



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

Bob Wasserman, Mayor
Anu Natarajan, Vice Mayor
Bob Wieckowski
Bill Harrison
Suzanne Lee Chan

City Staff

Fred Diaz, City Manager
Harvey E. Levine, City Attorney
Melissa Stevenson Dile, Deputy City Manager

Dawn G. Abrahamson, City Clerk
Harriet Commons, Finance Director
Marilyn Crane, Information Technology Svcs. Dir.
Daren Fields, Economic Dev. Director
Mary Kaye Fisher, Interim Human Resources Dir.
Annabell Holland, Parks & Recreation Dir.
Norm Hughes, City Engineer
Jill Keimach, Community Dev. Director
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

The City Council Agendas may be accessed by computer at the following Worldwide Web Address: www.fremont.gov

Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
NOVEMBER 10, 2009
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting of June 23, 2009*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont, Amending the 2007 California Fire Code to Require Sprinkler Systems in "B" Occupancies and to Provide Solar Photovoltaic Installation Guidelines*

RECOMMENDATION: Adopt ordinance.

- 2.4 *PASEO PADRE PARKWAY ELECTROLIER REPLACEMENT PROJECT
Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds of \$298,980 to the Paseo Padre Parkway Electrolier Replacement Project between Thornton Avenue and Walnut Avenue and between Decoto Road and Fremont Boulevard, City Project No. 8293D(PWC)*

Contact Person:

<i>Name:</i>	<i>Jeanne Suyeishi</i>	<i>Norm Hughes</i>
<i>Title:</i>	<i>Associate Civil Engineer</i>	<i>City Engineer</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4728</i>	<i>510-494-4748</i>
<i>E-Mail:</i>	<i>jsuyeishi@fremont.gov</i>	<i>nhughes@fremont.gov</i>

RECOMMENDATION:

- 1. Authorize the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.*
- 2. Appropriate funds in the grant amount of \$298,980 to 522PWC8293 (Paseo Padre Electrolier Replacement).*

2.5 EXTENSION OF ADMINISTRATION SERVICES CONTRACT FOR WORKERS' COMPENSATION PROGRAM

Extension of Administration Services Contract for Workers' Compensation Program with Southern California Risk Management Associates

Contact Persons:

<i>Name:</i>	<i>Steven E. Schwarz</i>	<i>Harvey E. Levine</i>
<i>Title:</i>	<i>Risk Manager</i>	<i>City Attorney</i>
<i>Dept.:</i>	<i>City Attorney's Office</i>	<i>City Attorney's Office</i>
<i>Phone:</i>	<i>510-284-4052</i>	<i>510-284-4032</i>
<i>E-Mail:</i>	<i>sschwarz@fremont.gov</i>	<i>hlevine@fremont.gov</i>

RECOMMENDATION: Authorize the City Manager or designee to amend the contract and execute the first one-year extension to the agreement with Southern California Risk Management Associates, effective October 1, 2009, in the amount of \$235,971 and the option for the second one-year extension for 2010.

2.6 AMENDMENT TO FIRE ACCESS ROAD STANDARDS (PLN2010-00070)

Introduce an Ordinance Amending Fremont Municipal Code Section 7-1721.D105 to Extend the Exemption from the Fire Access Road Standards for Qualifying Projects

Contact Person:

<i>Name:</i>	<i>Jennifer Brame</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Associate Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4554</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>jbrame@fremont.gov</i>	<i>jschwob@fremont.gov</i>

RECOMMENDATION: Waive full reading and introduce an ordinance approving an amendment to Fremont Municipal Code Section 7-1721.D105 (PLN2010-00070) to extend the exemption for compliance with the aerial fire apparatus access road standards for qualifying projects to December 31, 2010.

3. CEREMONIAL ITEMS

3.1 Resolution: Recognizing Make A Difference Day Volunteers and Sponsors

3.2 Resolution: One Book; One Community Reading Program

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Invite the Tri-City Mayors to Sponsor a Public Meeting on Proposals to Reform the California Constitution.

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING

NOVEMBER 10, 2009

***2.3 Second Reading and Adoption of an Ordinance of the City of Fremont, Amending the 2007 California Fire Code to Require Sprinkler Systems in “B” Occupancies and to Provide Solar Photovoltaic Installation Guidelines**

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

***2.4 PASEO PADRE PARKWAY ELECTROLIER REPLACEMENT PROJECT**
Accept the Highway Safety Improvement Program (HSIP) Grant and Appropriate the Grant Funds of \$298,980 to the Paseo Padre Parkway Electrolier Replacement Project between Thornton Avenue and Walnut Avenue and between Decoto Road and Fremont Boulevard, City Project No. 8293D(PWC)

Contact Person:

Name:	Jeanne Suyeishi	Norm Hughes
Title:	Associate Civil Engineer	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4728	510-494-4748
E-Mail:	jsuyeishi@fremont.gov	nhughes@fremont.gov

Executive Summary: The Caltrans Division of Local Assistance invited local agencies to submit applications for the Cycle 2 Highway Safety Improvement Program (HSIP) funds in February 2008. Staff responded by submitting two applications for a total of \$298,980 to replace the concrete electroliers on Paseo Padre Parkway between Fremont Boulevard and Decoto Road, and between Thornton Avenue and Walnut Avenue. The project will remove the existing concrete electroliers and replace them with the City standard aluminum electroliers. The City was successful in securing the grant for both applications. In order to initiate this project, staff recommends that the City Council authorize the City Manager or designee to accept the HSIP grant funds, execute any associated documents, and authorize staff to begin design on the Paseo Padre Parkway Electrolier Replacement Project (PWC8293D).

BACKGROUND: The Highway Safety Improvement Program (HSIP) was elevated to a core program as a result of the passage of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), replacing the previous Hazard Elimination Safety (HES) Program. HSIP funds are eligible for use on any improvement project on a public road and pedestrian-bicycle path or trail that will improve safety.

DISCUSSION/ANALYSIS: The CalTrans Division of Local Assistance issued the call for projects under this program in February 2008 for the 2007/08 and 2008/09 Cycle 2 HSIP Plan. Staff responded to the call for projects by submitting two applications for a total of \$298,980 to design and replace the concrete electroliers on Paseo Padre Parkway between Fremont Boulevard and Decoto Road and between Thornton Avenue and Walnut Avenue.

Decorative concrete street light poles were installed on Paseo Padre Parkway between Siward Drive and Curtner Road when the street improvements were constructed. Staff believes that replacing the concrete electroliers with aluminum electroliers will improve safety by potentially reducing the severity of injuries and fatalities when collisions with poles occur. The scope of this project is to replace 11 concrete poles between Fremont Boulevard and Decoto Road and 15 concrete poles between Thornton Avenue and Walnut Avenue.

Staff was notified of the City's successful applications for HSIP funds. The HSIP grant will fund up to 90 percent of the project cost and requires a 10 percent local match. There are sufficient gas tax funds

allocated to the project that will be used for the 10 percent local match. In order to initiate this project, staff recommends that the City Council authorize the City Manager or designee to accept the HSIP grant funds, and authorize staff to begin design on the Paseo Padre Parkway Electrolier Replacement Project (PWC8293D).

FISCAL IMPACT: None

ENVIRONMENTAL REVIEW: Appropriate environmental review will be conducted prior to completion of the design work.

ENCLOSURE: None

RECOMMENDATION:

1. Authorize the City Manager or designee to accept the HSIP grant and to execute any associated grant documents.
2. Appropriate funds in the grant amount of \$298,980 to 522PWC8293 (Paseo Padre Electrolier Replacement).

***2.5 EXTENSION OF ADMINISTRATION SERVICES CONTRACT FOR WORKERS' COMPENSATION PROGRAM**

Extension of Administration Services Contract for Workers' Compensation Program with Southern California Risk Management Associates

Contact Persons:

Name: Steven E. Schwarz
Title: Risk Manager
Dept.: City Attorney's Office
Phone: 510-284-4052
E-Mail: sschwarz@fremont.gov

Harvey E. Levine
City Attorney
City Attorney's Office
510-284-4032
hlevine@fremont.gov

Executive Summary: The City's current contract with Southern California Risk Management Associates (SCRMA) for services to administer the City's self-insured workers' compensation program has reached the end of its initial three-year term. Staff recommends that the City Council authorize the City Manager to execute a one-year extension to the agreement, effective October 1, 2009, and an option for a second extension in 2010.

BACKGROUND: In the summer of 2006, the City issued an RFP for administrative services in support of the workers' compensation program, and from the respondents selected SCRMA. Although the RFP contemplated the contract would have an initial three-year term with two one-year extensions, the terms of the contract actually entered into inadvertently omitted the optional extensions. Staff proposes that the City Council authorize the City Manager to amend the contract to include the optional extensions and to execute the first extension.

FISCAL IMPACT: SCRMA's fee for the first year of the three year agreement was \$216,090, a savings of \$44,647 when compared to the City's previous administrator's 2005/06 fee of \$260,737. The second and third year, SCRMA was paid \$226,895.

At the City's request, SCRMA has submitted a proposal for 2009/10 (first extension) for \$235,971, a 4% increase above the last two years of the contract.

ENCLOSURE: None

RECOMMENDATION: Authorize the City Manager or designee to amend the contract and execute the first one-year extension to the agreement with Southern California Risk Management Associates, effective October 1, 2009, in the amount of \$235,971 and the option for the second one-year extension for 2010.

***2.6 AMENDMENT TO FIRE ACCESS ROAD STANDARDS (PLN2010-00070)**
Introduce an Ordinance Amending Fremont Municipal Code Section 7-1721.D105 to
Extend the Exemption from the Fire Access Road Standards for Qualifying Projects

Contact Person:

Name:	Jennifer Brame	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4554	510-494-4527
E-Mail:	jbrame@fremont.gov	jschwob@fremont.gov

Executive Summary: The proposed amendment to Fremont Municipal Code Section 7-1721.D105 (aerial fire apparatus access road standards) would extend the date that qualifying projects must obtain building permits to December 31, 2010. Council granted a one-year exemption to the aerial fire apparatus access road standards with the adoption of the new Fire Code and a second exemption to these projects in December 2008. This amendment would give applicants additional time to secure project financing or resolve other market-driven constraints in order to move forward with construction.

BACKGROUND: In November 2007, City Council adopted the 2007 Building and Fire Codes with local amendments. Included in this process were new standards for fire access road widths to accommodate fire truck aerial apparatus equipment. The new codes became effective in January 2008. All projects that had not obtained building permits were required to comply with the new codes by this time. However, a local amendment to the new codes allowed qualifying projects to request a one-year exemption from compliance with the new fire access road standard for aerial apparatus equipment.

In December 2008, Council approved requests from qualifying project applicants to exempt their projects from the new fire aerial apparatus access road standards for an additional year. This exemption, consistent with Fremont Municipal Code Section 7-1721.D105, required that these projects obtain building permits by December 31, 2009.

DISCUSSION/ANALYSIS:

Given the current economic constraints on construction financing, most of the project applicants granted the one-year exemption have been unable to secure project financing or have delayed project development due to other market-driven constraints. The proposed FMC amendment would provide additional time for these applicants to work through these market constraints.

In Fall 2010, a new set of model codes will be published. Staff anticipates adoption of the new codes in late 2010, which would be effective in 2011. Since new codes are forthcoming, staff recommends that this be the final exemption for qualifying projects in order to ensure that these projects do not become out-of-date with adopted codes.

FISCAL IMPACT: None.

ENVIRONMENTAL REVIEW: The project is exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

ENCLOSURE: [Draft Ordinance Amending FMC Section 7-1721.D105](#)

RECOMMENDATION: Waive full reading and introduce an ordinance approving an amendment to Fremont Municipal Code Section 7-1721.D105 (PLN2010-00070) to extend the exemption for compliance with the aerial fire apparatus access road standards for qualifying projects to December 31, 2010.

6.1 Report Out from Closed Session of Any Final Action

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Invite the Tri-City Mayors to Sponsor a Public Meeting on Proposals to Reform the California Constitution.

I would like to invite the Tri-City Mayors to sponsor a public meeting in December on proposals to reform the California Constitution. It may be appropriate to invite one or more speakers to address this topic.

There are two major initiatives to reform California's Constitution: 1) The California Forward 2010 Reform Plan, sponsored by California Forward; and 2) Repair California, which has filed two ballot measures to call for a state Constitutional Convention. These initiatives have different focus areas, though both address State budgeting practices. The Repair California platform dictates that the Convention not propose direct tax or fee increases or other issues related to increasing taxes.

The League of California Cities is watching these initiatives, but has not endorsed either proposal at this time. The proposals will be evaluated by League policy committees in January 2010.

ENCLOSURES:

- [Repair California: Constitutional Convention Ballot Measures Fact Sheet](#)
- [CAforward: The California Forward 2010 Reform Plan](#)

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
November 17, 2009	5:00 p.m.	Work Session	Council Chambers	Live
November 17, 2009	7:00 p.m.	Regular City Council Meeting	Council Chambers	Live
November 24, 2009		Cancelled		
December 1, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 8, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2009	TBD	Work Session	Council Chambers	Live
December 15, 2009	7:00 p.m.	Regular City Council Meeting	Council Chambers	Live
December 16, 2009 – January 11, 2010		Council Recess		
January 5, 2010		Cancelled		
January 12, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 19, 2010	TBD	Work Session	Council Chambers	Live
January 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 16, 2010	TBD	Work Session	Council Chambers	Live
February 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 16, 2010	TBD	Work Session	Council Chambers	Live
March 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 30, 2010 (5 th Tuesday)				